United States Court of Appeals

for the Second Circuit

PETITIONER'S BRIEF

75-4103

To be argued by
STANLEY H. WALLENSTEIN

In The

United States Court of Appeals

For The Second Circuit

September Term, 1975

HSU, CHIN MEI,

Petitioner,

vs.

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the Board of Immigration Appeals

BRIEF AND APPENDIX FOR PETITIONER

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UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

September Term, 1975

Docket No. 75-4103

HSU, CHIN MEI,

Petitioner,

-against-

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

PETITIONER'S BRIEF

Statement of the Issue

Whether the petitioner has been denied her right to meaningful administrative appeal and to meaningful judicial review, in view of the fact that the record before the Board of Immigration Appeals was less than the full record compiled by the Immigration Judge, and the record before this Court is similarly incomplete.

Statement of the Case

This is a petition for review of a final order of deportation entered by the Board of Immigration Appeals on May 5, 1975. In that order the Board, in a two-sentence per curiam decision, affirmed the decision and order of an Immigration Judge entered on January 30, 1975. The Immigration Judge found the petitioner deportable as an overstay visitor, denied her application for status adjustment which had been bottomed on her claim that she was an investor in an American business, denied her alternate application for voluntary departure, concluded that she was permanently excludable from the United States for having made misrepresentations to a consul when obtaining her visitor's visa, and ordered that she be deported to Taiwan.

The record compiled at the deportation proceeding before the Immigration Judge consisted of a 58-page Transcript of Hearing, including at least fifteen exhibits of documentary evidence. Only seven of these exhibits are identified in the Transcript of Hearing, with no reference at all being made to the other eight exhibits. Two of these eight exhibits, while not identifiable from the Transcript of Hearing, can be identified as they are included in the Certified Administrative Record filed by

the Government with this Court. That same Certified Administrative Record, however, contains only six of the fifteen exhibits, omitting three exhibits which were identified and marked in the Transcript of Hearing, containing two exhibits which were not identified or marked in the Transcript of Hearing, and omitting six exhibits also omitted in the Transcript of Hearing.

On this petition for review the petitioner contends that the Board's order must be set aside as it was necessarily based on an incomplete record, and that meaningful judicial review cannot be obtained because the Certified Administrative Record is similarly incomplete.

This Court has subject matter jurisdiction over this petition pursuant to 8 U.S.C. § 1105a(a).

Statement of the Facts

The petitioner, Hsu, Chin Mei ("Hsu"), is a twenty-six year old single female alien, a native and citizen of Taiwan. She entered the United States lawfully on September 22, 1973, as a visitor for business and was authorized to remain until February 21, 1974. She stayed beyond that time and was placed under deportation proceedings by the Immigration and Naturalization Service ("INS"). The proceeding was commenced when INS issued an order to show cause on April 22, 1974 alleging that Hsu was deportable for having obtained her visitor's visa by fraud. The next day, however, INS issued a superseding order to show cause charging that Hsu was deportable for having overstayed her allotted time(T.17).[1/]

The deportation hearing commenced on October 30, 1974 before Immigration Judge Francis J. Lyons, held jointly with the case of Hsu's cousin, Huang, Yuh Shi (T.8).[2/] At the hearing, Hsu admitted that she had overstayed her given time and submitted an application for status adjustment to that of a permanent resident under

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1/ References preceded by "T" refer to the tabs affixed to the Certified Administrative Record filed by the Government with the Court. References preceded by "A" refer to the pages of petitioner's appendix.

2/ Huang, Yuh Shi was also a petitioner in this petition, but withdrew by stipulation as she was required to return immediately to Taiwan for personal reasons.

8 U.S.C. § 1255.[3/] Her application was based on a claim that she had invested $15,000 in an American business and was therefore an "investor" within the purview of 8 CFR § 212.8(b)(4), and thus exempt from the labor certification requirement contained in 8 U.S.C. § 1182(a)(14).[4/] In support of her claim she submitted a completed INS Form I-526, Request for Determination of Investor Status, which reflected that she had invested $15,000 in cash, furniture and expenses in Seal Enterprises, Inc. ("Seal"), an importer and exporter of knitted goods and that she was to be general manager of the corportation with duties including hiring and supervision of workers (T.13). Hsu was questioned very briefly on her alternate application for voluntary departure (T.8,pp. 5-8) and the hearing was adjourned for further documentation and consideration of her investor application.

The hearing resumed on January 29, 1975 (T.7), with Irwin Lutsky, the accountant for Seal, called to testify.

3/ Such applications may be submitted and determined by the Immigration Judge at the deportation proceeding, 8 CFR § 242.17, and are reviewable by the Board of Immigration Appeals, 8 CFR § 3.1(b)(2).

4/ 8 CFR § 212.8(b)(4) provides that "an alien who establishes on Form I-526 that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, ... at least $10,000, and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise...." does not require a labor certification.

Lutsky testified to certain documents, including an undated letter, not further identified in the Transcipt, which was called Exhibit 4 by Judge Lyons (T.7,p.18), but which is not included in the Certified Administrative Record. Lutsky testified that Seal began doing business in January 1974, that Hsu owns one-third of the stock (T.7,p.19), that the initial capitalization of Seal equaled $45,000 (T.7,p.20), and that its net worth as of August 31, 1974 was over $84,000 (T.7,p.23). Lutsky also testified that Hsu primarily supervises workers (T.7,p.22) and because of a union bargaining contract she is required to be carried on the books as a salaried employee, even though as an owner she is entitled to a distributive share of the profits (T.7,p.24).

Hsu testified on January 29th that she taught workers how to operate the hand and electric knitting machines, does some of the actual knitting herself, and is listed as an employee because of the union contract (T.7,p.38). Her brother is the president of Seal and her investment of $15,000 was made by her brother out of family money he has been holding for her since the death of their wealthy father in Taiwan (T.7,pp.39-40).

After testifying as to her interest and association with Seal, Hsu was shown a foreign service visa application form (FS-257A) containing a signature in Chinese, which she identified as her signature (T.7,p.45). The form showed her birthdate as June 1, 1942, and showed her to be married (T.7,p.46). Her true birthdate is June 1, 1949 and she has never been married (T.7,p.45). Hsu testified she had not filled out the form and denied making misrepresentations as to her date of birth and marital status (T.7,p.46). The form,which was filled out in English by typewriter and which shows that Hsu was never interviewed by a consular officer (T.12), was accepted into evidence as Exhibit 9 (T.7,p.46).

The hearing was again adjourned and resumed the next day (T.6). The superseding orders to show cause were marked in evidence as Exhibits 11 and 12 (T.6,p.56). Two investigative reports, one applicable to Hsu and one applicable to Huang were marked in evidence as Exhibits 13 and 14 (T.6,p.57) and the hearing closed with Judge Lyons entering his oral decision. In his decision, Judge Lyons denied Hsu's application for status adjustment finding that notwithstanding her investment, she was not exempt from the labor certification requirement because she was on the payroll of Seal and was therefore in the general labor market.

He also found that Hsu had made material misrepresentations to a consul as to her age and marital status when she obtained her visitor's visa. This was put forth as an additional ground for denying status adjustment and was the ground on which Hsu's alternate application for voluntary departure in lieu of deportation was denied. Judge Lyons also concluded that because of the alleged misrepresentations to the consul, Hsu was permanently excludable from the United States under 8 U.S.C. § 1182(a)(19), although that conclusion was later stated in his decision as being not definitive (T.5).

Judge Lyons' decision was based on a record comprised of a 58-page Transcript of Hearing and at least fifteen documentary exhibits. The Transcript of Hearing indentifies only seven of the exhibits, these being Exhibit 2, the status adjustment application (T.8,p.4), Exhibit 4, the undated accountant's letter (T.7,p.18), Exhibit 9, the foreign service form (T.7,p.46), Exhibits 11 and 12, the superseding orders to show cause (T.6,p.56),[5/] and Exhibits 13 and 14, the investigative reports (T.6,p.57). While

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5/ Although when admitting them Judge Lyons referred to them as the superseding orders to show cause, they are apparently, in fact, the original orders to show cause which were superseded by later orders.

the proceeding undoubtedly included such exhibits as 1, 3, 5, 6, 7, 8 and 10, no such exhibits are identified or marked as exhibits in the Transcript of Hearing.[6/]

Following Judge Lyons' decision, Hsu filed her notice of appeal to the Board of Immigration Appeals (T.4). Hsu's attorney then, by letter of April 14, 1975, requested INS to furnish him with copies of the exhibits for the purpose of preparing her appeal (A.1). INS responded by letter dated April 22, 1975, informing counsel that the record had been forwarded to the Board of Immigration Appeals on April 17th, and by making no reference to the exhibits (A.2). Two weeks later, on May 5th, the Board entered its per curiam affirmance (A.3). By letter dated May 13, 1975, counsel informed the Board that he had not filed an appellate brief because he had no access to the exhibits and asked the Board to reopen the case to permit him to file a brief (A.4). The Chairman of the Board, by letter dated May 21, 1975, informed counsel that the record had been returned to INS and that he must request reopening by submitting a motion to reopen to the local INS office (A.5). Counsel never had an opportunity to do so

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6/ The proceeding also included an Exhibit 1A which is contained in the Certified Administrative Record filed in this Court (T.17), but which is not referred to in the Transcript of Hearing. The Form I-526 is contained in the Certified Administrative Record marked as Exhibit 8(T.13), and while that document is referred to in the Transcript of Hearing, there is no indication that it was marked or accepted as an exhibit.

because by letter of May 21st, the local INS office ordered Hsu to appear for deportation to Taiwan on June 5th (A.6.). Deportation was stayed by the filing of this petition for review on June 3rd.

The Certified Administrative Record filed in this Court by the Government contains the entire Transcript of Hearing (Ts. 6, 7, and 8) and contains Exhibits 1A, 2, 8, 9, 11 and 13. Exhibits 1A and 8 are not referred to in the Transcript of Hearing. The Certified Administrative Record does not contain Exhibits 1, 3, 4, 5, 6, 7, 10, 12 and 14. Three of those exhibits, numbers 4, 12, and 14 are referred to in the Transcript of Hearing. Exhibits 12 and 14 apparently refer to Huang, whose petition for review has been withdrawn, which may explain their absence. As to the other missing exhibits, it is not possible to tell from the Transcript of Hearing what they are or who they refer to.[7/]

It is impossible for us to say exactly what documents the Board of Immigration Appeals had before it when it passed on the case. It is definite, however, that the Board had the Transcript of Hearing which identified only seven of at least fifteen exhibits.[8/] It is also definite that this Court has before it a Certified Administrative Record which omits at least nine of the exhibits.

7/ Save for Exhibit 4, which is identified in the transcript, and is undoubtedly relevant to this petition.

8/ There were apparently more than fourteen exhibits as evidenced by the Certified Administrative Record which contains Exhibit 1A (T. 17). We cannot tell how many additional exhibits there might have been.

Relevant Statute

Title 8 U.S.C. §1105a. Judicial review of orders of deportation and exclusion -- Exclusiveness of procedure:

* * *

"(a)(4)...the petition shall be determined solely upon the administrative record upon which the deportation order is based and the Attorney General's findings of fact, if supported by reasonable, substantial, and probative evidence on the record considered as a whole, shall be conclusive;

Relevant Regulations

Title 8 Code of Federal Regulations [CFR]:

§ 3.5 Forwarding of record on appeal

"If an appeal is taken from a decision, as provided in this chapter, the entire record of the proceeding shall be forwarded to the Board by the officer of the Service having administrative jurisdiction over the case upon timely receipt of the briefs of the parties, or upon expiration of the time allowed for the submission of such briefs.

* * *

§242.15 Contents of Record

"The hearing before the special inquiry officer, including the testimony, exhibits, applications and requests, the special inquiry officer's decision, and all written orders, motions, appeals, briefs, and other papers filed in the proceedings shall constitute the record in the case. The hearing shall be recorded verbatim except for statements made off the record with the permission of the special inquiry officer. In his discretion, the special inquiry officer may exclude from the record any arguments made in connection with motions, applications, re-

quests, or objections, but in such event the person affected may submit a brief.

A R G U M E N T

Point I

THE PETITIONER WAS DENIED HER RIGHT TO A MEANINGFUL ADMINISTRATIVE APPEAL BECAUSE THE RECORD BEFORE THE BOARD OF IMMIGRATION APPEALS WAS INCOMPLETE.

It is well settled by now that an alien within the United States is entitled to the full benefits of procedural due process. The Japanese Immigrant Cases, 198 U.S. 86(1903), Sung v. McGrath, 339 U.S. 33(1953); Chew v. Colding, 344 U.S. 590(1953). Thus deportation can be ordered only in accordance with law and after a fair hearing. Some minimum due process requirements are set forth in 8 U.S.C. § 1252(b), which prescribes some basic elements of a fair hearing and which authorizes the Attorney General to set forth further procedural requirements by regulation. One such requirement set forth by the Attorney General is the right of an alien to appeal an adverse order of an

Immigration Judge to the Board of Immigration Appeals. 8 CFR § 242.21. This due process right to appeal includes review, not only of the issue of deportability, but of any application for relief from deportation properly put before the Immigration Judge and decided against the alien. Gordon and Rosenfield, Immigration Law and Procedure, § 1.10c(1975); 8 CFR § 3.1(b)(2).

The important due process right of appeal is implemented by other requirements in statute and regulation. Under 8 U.S.C. § 1252(b), the deportation proceeding must be conducted by an Immigration Judge whose determination must be made only upon the record compiled in the proceeding. Pursuant to 8 CFR § 242.15, the record of the proceeding includes the hearing before the Immigration Judge, which must be transcribed verbatim, and includes, inter alia, all exhibits. And when an appeal is taken from an Immigration Judge's order, 8 CFR § 3.5 mandates that the "entire record of the proceeding shall be forwarded to the Board...."

The procedure set forth by the Attorney General thus gives meaning to the right of administrative appeal by assuring an appellant that the Board of Immigration Appeals, when considering his appeal, will have before it the full record compiled below. That full record includes a verbatim transcript of the hearing and all the exhibits. Anything less than that would be in conflict with 8 CFR §§ 3.5 and 242.15. In this case, there can

be no doubt but that such a conflict occurred.

The Transcript of Hearing on its face establishes that the Board, when considering this petitioner's appeal, did not have before it the full record compiled below. The transcript shows that at least fourteen exhibits were introduced into evidence, and the Certified Administrative Record filed in connection with this petition shows at least one more. Only seven of those exhibits, however, are identified in the Transcript of Hearing. Thus, it is apparent that the hearing was not recorded verbatim. Moreover, while two of the unidentified exhibits can be identified by reference to the Certified Administrative Record, the remaining six exhibits cannot be identified.[9/] As those exhibits cannot be identified either from the Transcript of Hearing or the Certified Administrative Record, there seems little doubt but that the Board did not have all the exhibits in the case before it when it passed on the appeal.

The compilation of a proper record, including a verbatim Transcript of Hearing, and identification and inclusion of the exhibits, is a patently simple matter, totally within the province and power of INS. Such a record is mandated by regulation and is necessary to

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9/ Exhibits 1A and 8 can be so identified . The existence of these exhibits in the Certified Administrative Record only tends to show that the hearing was not transcribed verbatim.

effectuate the due process rights of administrative appeal and judicial review. Those rights, however, are necessarily compromised in the setting presented here. 10/

Point II

THE PETITIONER CANNOT OBTAIN MEANINGFUL JUDICIAL REVIEW OF THE SUBSTANTIVE ISSUES IN HER CASE AS THE FULL ADMINISTRATIVE RECORD IS NOT AVAILABLE TO THE COURT.

The right to judicial review of an order of deportation is given an aggrieved alien by 8 U.S.C. § 1105a. The statute provides that "the petition shall be determined solely upon the administrative record upon which the deportation order is based...". Also the Attorney General's findings of fact are conclusive

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10/ While the deportation proceeding is civil rather than criminal, its consequences have long been recognized as grave. Tan v. Phelan, 333 U.S. 6,10 (1948). This is reason enough why courts "should not encourage the cutting of corners by an agency having such significant responsibilities." Sint v. Immigration and Naturalization Service, 500 F.2nd 120,124(1st Cir. 1974)(concurring opinion of J. Campbell).

"if supported by...the record considered as a whole...." 8 U.S.C. § 1105a(a)(4).

In this case, there is no doubt that the full administrative record compiled by the Immigration Judge was not only not before the Board of Immigration Appeals, but is not now before this Court. While the Certified Administrative Record contains the transcript of hearing, that transcript, as we have shown, is not verbatim. Moreover, the Certified Administrative Record contains only six of at least fifteen exhibits.[11/] Thus, this Court cannot determine the substantive issues in the case

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11/ The Certified Administrative Record can be cured to some extent by inclusion of Exhibits 4, 12 and 14 under Rule 16, Fed. Rules of App. Proc., which permits filing of a supplemental record. This, of course, cannot be done for the other six missing exhibits not identified in the transcript of hearing as it is impossible to tell what they are.

because it is precluded from reviewing the full administrative record.[12/]

12/ The substantive issues in this case, could they be reached, would be substantial. The Immigration Judge held that Hsu was not an "investor" within the purview of 8 CFR § 212.8(b)(4), because she was on the payroll as an employee in the company in which she invested, and because she sometimes worked as a sewing machine operator in addition to her supervisory duties. Thus, he interprets 8 CFR § 212.8(b)(4) to mean that an otherwise qualified investor cannot work in the company he invested in. This is totally inconsistent with earlier Board interpretations of the regulation, found in Matter of Heitland, —I&N Dec.—(Int. Dec. 2259, BIA 1974) and Matter of Ahmad, —I&N Dec.—(Int. Dec. 2316, BIA 1974), where the Board observed that in many instances a bona fide investor will properly be able to engage in activities of a skilled or unskilled nature. It is the amount of the monetary investment and its tendency to expand job opportunities which determine whether or not exemption from the labor certification should be granted. Here the amount of Hsu's investment is substantial and did tend to open up job opportunities. Perhaps the Immigration Judge's decision can be read as denying investor status because of doubts as to Hsu's investment, but that is all the more reason why the complete record is necessary. Another substantial issue involves the Immigration Judge's finding that Hsu was excludable under 8 U.S.C. § 1182(a)(19), for having made misrepresentations to a consul. This is extremely critical to Hsu as it may result in permanent excludability even if Hsu is exempt from the labor certification requirement. Even though the Immigration Judge termed his finding as not definitive, an American consul overseas may well be influenced by that finding so as to deny any future visa application Hsu may make. Under these circumstances, the Third and Fourth Circuits have held that an alien is entitled to a full hearing before an Immigration Judge and a conclusive determination on the issue of excludability, which determination is subject to administrative appeal and judicial review. See Bagamasbad v. INS, —F.2nd—, 44 U.S.L.W. 2023(3rd Cir. June 9, 1975); Rose v. Woolwine, 344 F.2nd 993 (4th Cir. 1965). It is readily apparent that Hsu has not been accorded that full hearing and conclusive determination.

CONCLUSION

THE PETITION FOR REVIEW SHOULD BE GRANTED, AND THE MATTER SHOULD BE REMANDED TO THE BOARD OF IMMIGRATION APPEALS WITH INSTRUCTIONS TO REOPEN THE HEARING AND REMAND THE CASE TO THE IMMIGRATION JUDGE FOR THE PURPOSE OF COMPILING A FULL RECORD.

Respectfully submitted,

SCHIANO & WALLENSTEIN, ESQS.
Attorneys for Petitioner
80 Wall Street
New York, New York 10005

STANLEY H. WALLENSTEIN

- Of Counsel -

April 14, 1975

U.S. Dept. of Justice
Immigration and Naturalization
Service
20 West Broadway
New York, New York 10007

Att: Loretta B. Terrell
Special Inquiry Aide
Immigration Court

Re: HSU, Chin Mei A21 764 019
HUANG, Huh Shi A21 764 020

Dear Mrs. Terrell:

I would appreciate it if your department would forward to my office copies of all exhibits from the recent trial of the above-named aliens. These copies are necessary in order to prepare a brief in support of the appeal. The exhibits referred to include a passport, the foreign service applications, and other documents presented at trial now in the possession of the Government.

In view of the fact that I have not yet received these exhibits, I would therefore respectfully request an extension of time to submit a brief within three weeks of receipt of the aforementioned exhibits.

Very truly yours,

PILLERSDORF & NASSY

By
GARY B. PILLERSDORF

GBP:sm

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
20 WEST BROADWAY
NEW YORK, NEW YORK 10007

April 22, 1975

Pillersdorf, Nassy & Lee
Attorneys at Law
225 Broadway
New York, N.Y. 10007

Re: HSU, Chin Mei A21 764 019
HUANG, Huh Shi A21 764 020

Dear Sirs:

Please refer to your letter dated April 14, 1975 which was received on April 18, 1975.

Your time to file your brief was extended to April 11, 1975. No brief having been received the Record of Proceedings was forwarded to the Board of Immigration Appeals on April 17, 1975.

Very truly yours,

Loretta B. Terrell

LORETTA B. TERRELL
Special Inquiry Aide
Immigration Court

cc: Chairman, B.I.A.
Room 1104 Safeway Bldg.
521 12th St. N.W.
Washington, D.C. 20004

APR 21 1975

United States Department of Justice
Board of Immigration Appeals
Washington, D.C. 20530

Files: A21 764 019 - New York
A21 764 020

MAY 5 - 1975

In re: CHIN MEI HSU
YUH SHI HUANG

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Gary B. Pillersdorf, Esq.
Pillersdorf & Nassy
225 Broadway
New York, NY 10007

CHARGE:

ORDER: Section 241(a)(2), I&N Act (8 U.S.C. 1251 (a)(2)) - Nonimmigrant visitor - remained longer than permitted

APPLICATION: Adjustment of status under section 245 8 U.S.C. 1255 - Voluntary departure

ORDER:

PER CURIAM. The decision of the immigration judge finding the respondents deportable, ordering their deporation, and denying relief in the exercise of discretion is affirmed. The appeal accordingly is dismissed.

Chairman

May 13, 1975

United States Department
of Justice
Board of Immigration Appeals
Washington, D.C. 20530

Re: HSU, Chin Me - A21 764 019
HUANG, Yuh Shi - A21 764 020

Dear Sirs:

Your order of May 5, 1975 is hereby acknowledged.

With regard to the above-mentioned matter, please be advised that on February 3, 1975 a Notice of Appeal was submitted by our office on behalf of the above-mentioned aliens. Due to secretarial inadvertence we did not request oral argument before the Board of Immigration Appeals. However, we were under the impression that we had.

Upon being denied access to the exhibits we wanted, an extension of time to submit an appeal was also denied. We were under the mistaken impression that the Board would inform us of a date to argue and a two week final period for our brief. The next notice we received was not a date to argue but notice of rejection.

We are of the opinion that we have valid and meritorious grounds for our appeal. We feel it would compromise justice to rule against our clients because of an secretarial oversight.

I am therefore respectfully requesting that the instant case be reopened and respondents granted an opportunity to submit a written memorandum and in addition an opportunity for oral argument before the Board of Immigration Appeals in Washington, D.C.

Thanking you in advance for all courtesies shown by your department, we remain

Very truly yours,
PILLERSDORF & NASSY

BY _____
GARY B. PILLERSDORF

UNITED STATES DEPARTMENT OF JUSTICE

BOARD OF IMMIGRATION APPEALS
Washington, D.C. 20530

May 21, 1975

In re: CHIN MEI HSU and YUH SHI HUANG
Files: A21 764 019, A21 764 020

Gary B. Pillersdorf, Esq.
Pillersdorf, Nassy & Lee
225 Broadway
New York, New York 10007

Dear Mr. Pillersdorf:

This is in response to your letter of May 13, 1975, concerning the Board's order dated May 5, 1975, in the above matters.

The record files were returned to the Immigration and Naturalization Service with that order and we have nothing now before us except your letter.

Reopening or reconsideration of a decision of the Board may be had by filing a motion in accordance with the provisions of Title 8, Code of Federal Regulations, Sections 3.2 and 3.8. The motion should be filed with the local office of the Immigration and Naturalization Service having jurisdiction of the case. This will enable the Service to return the record to the Board with a statement of its position on your motion.

Sincerely yours,

David L. Milhollan

David L. Milhollan
Chairman

MAY 23 1975

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
20 West Broadway, New York, N. Y. 10007

File No: A21 764 019TU-SB
Date: MAY 21,1975

HSU,CHIN MEI
42-14 156th ST
FLUSHING,N.Y.11355

PLEASE BRING PASSPORT WITH YOU

As you know, following a hearing in your case you were found deportable and the hearing officer has entered an order of deportation. A review of your file indicates there is no administrative relief which may be extended to you, and it is now incumbent upon this Service to enforce your departure from the United States.

Arrangements have been made for your departure to TAIWAN (country) on _____ (date) from NEW YORK, N. Y. (port of departure) on the BY TRANSPORTATION WHICH HAS BEEN ARRANGED (name of vessel, airline, or other transportation)

You should report to a United States Immigration Officer at Room 14th FLOOR (No.) 20 West Broadway, N.Y.C. (P.KRAUS) (address) at 9 AM JUNE 4,1975 (hour and date) completely ready for deportation. At the time of your departure from NEW YORK, N. Y. (place of surrender) you will be limited to 44 pounds of baggage.

Should you have personal effects in excess of this amount you must immediately contact Transportation Officer (name of officer) at ~~212 264-5979~~ ~~212 264-5978~~ 212 264-5976 (phone no. and ext.), or call in person at the address noted above, and appropriate disposition of your excess baggage will be discussed with you.

PILLERSDORF & MASSI,ESQS
225 B'WAY
N.Y.N.Y.10007 SR/bad

Very truly yours,

HAROLD J.GRACE
ASSISTANT DISTRICT DIRECTOR
FOR DEPORTATION

Form I-166
(Rev. 4-1-69)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

GPO 873-570

A 202 Affidavit of Personal Service of Papers

LUTZ APPELLATE PRINTERS, INC.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

HSU , CHIN MEI,
Petitioner,

- against -

IMMIGRATION AND NATURALIZATION SERVICE,
Respondents.

Index No.

Affidavit of Personal Service

STATE OF NEW YORK, COUNTY OF NEW YORK *ss.:*

I, Victor Ortega, *being duly sworn,*
depose and say that deponent is not a party to the action, is over 18 years of age and resides at
1027 Avenue St. John, Bronx, New York

That on the 26th *day of* January *19* 76 *at* 1 St. Andrews Plaza, New York, New York
1 St. Andrews Plaza, New York, New York

deponent served the annexed Briefand Appendix *upon*
THOMAS J. CAHILL. US ATTONREY_SOUTHERN DISTRICT
US Attorney for Naturalization and Immigration

the Attorneys *in this action by delivering a true copy thereof to said individual personally. Deponent knew the person so served to be the person mentioned and described in said papers as the* *herein,*

Sworn to before me, this 26th
day of January *19* 76

Robert T. Brin

Victor Ortega

VICTOR ORTEGA

ROBERT T. BRIN
NOTARY PUBLIC, State of New York
No. 31-0418950
Qualified in New York County
Commission Expires March 30, 1977